

FINAL BILL REPORT

EHB 1967

C 342 L 09

Synopsis as Enacted

Brief Description: Prohibiting expansions of urban growth areas into one hundred year floodplains.

Sponsors: Representatives White, Campbell, Nelson, Simpson, Williams, Wallace, Dunshee, Dickerson, Hunt, Ormsby and Sullivan.

House Committee on Local Government & Housing
Senate Committee on Government Operations & Elections

Background:

Floodplain Management and Regulation.

Statewide, the Department of Ecology (DOE) is authorized to oversee the management of floodplains in conjunction with counties and flood control zone and flood control districts. With respect to floodplain management, the duties of the DOE include:

- the review of county, city, or town, floodplain management ordinances;
- generally providing technical guidance and assistance to local governments; and
- assisting local governments in identifying the location of the 100-year floodplain.

Flood control zone districts are authorized to create zones within a county for the purpose of developing or operating flood control projects or storm water control projects.

Flood control districts may be organized in a city, or in any part of a county, or among counties, for purposes that include the planning, development, acquisition, management, or maintenance of any facilities necessary to control floods, lessen their dangers, and reduce damages.

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act and a reduced number of directives for all other counties and cities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The GMA requires all jurisdictions to satisfy specific designation and protection mandates. All local governments, for example, must designate and protect critical areas. Critical areas are defined by statute to include wetlands, aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.

The GMA includes planning requirements relating to the use or development of land in urban and rural areas. Among other obligations, counties that comply with the major requirements of the GMA must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth may occur only if it is not urban in nature. "Urban growth" is defined by the GMA, in part, as a reference to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for specified agricultural, mineral resource, and rural purposes.

The GMA includes many requirements pertaining to UGAs that planning jurisdictions must satisfy. Using population projections made by the Office of Financial Management, planning counties and each city within these counties must include within UGAs areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding 20-year period. The UGAs must permit urban densities and include greenbelts and open space areas. The UGA determinations may include a reasonable land market supply factor and must permit a range of urban densities and uses. Additionally, UGA provisions in the GMA provide planning jurisdictions with discretion to make many choices about accommodating growth within their comprehensive plans.

Summary:

Subject to specified exceptions, a county, city, or town is prohibited from expanding a UGA into the 100-year floodplain of any river or river segment that:

- is located west of the crest of the Cascade Mountains; and
- has a mean annual flow of 1,000 or more cubic feet per second.

This prohibition does not apply to expansions of a UGA where:

- the UGA is fully contained within a floodplain and lacks adjacent buildable areas outside the floodplain;
- expansion is precluded outside the floodplain because: (1) urban governmental services cannot be physically provided to serve areas outside the floodplain; or (2) expansion outside the floodplain would require a river or estuary crossing to access the expansion;
- certain areas within the floodplain are already subject to specified types of urban development and thus the exclusion from the urban growth area would be either impracticable or contrary to GMA goals;
- the land within the area is owned by a GMA planning jurisdiction; or
- the rights to the development of the land within the area have been permanently extinguished and the future use of the land is limited to outdoor recreation, habitat enhancement, environmental restoration, storm water facilities, and flood control facilities, and such use will not result in specified adverse environmental impacts.

The mean annual flow of the rivers that may be subject to the act is to be determined by the Department of Ecology.

"100 year floodplain" is defined by reference to a section of the Washington Administrative Code that defines "special flood hazard areas" in accordance with specified federal standards.

Votes on Final Passage:

House	61	35	
Senate	38	7	(Senate amended)
House	60	34	(House concurred)

Effective: July 26, 2009